

Remarks/Arguments

Upon entry of the accompanying amendment, claims 21-32 will be pending in this application. Claims 6-20 are rejected in the final Office Action dated October 8, 2008, and are cancelled herein. Claims 21-32 are newly added herein to more particularly point out and distinctly claim the subject matter regarded as the invention.

Re: Rejection of Claims 6-20

Claims 6-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0208756 by Macrae, et al. (hereinafter, "Macrae"). This rejection is deemed moot in view of the cancellation of claims 6-20 herein. Moreover, as will be explained hereinafter, claims 21-32 are newly added and are deemed patentable over the prior art including Macrae.

Re: Newly Added Claims 21-32

Claims 21-32 are newly added herein to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, newly added independent claim 21 recites:

“A method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, the highlighted element being movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus, the method comprising steps of:

receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program;

storing the received advertisements;

monitoring the movement of the highlighted element in the electronic program guide;

determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and

displaying one of the stored advertisements associated with the determined next program **before** the determined next program has been reached by the highlighted element.” (emphasis added)

As indicated above, newly added independent claim 21 defines a method for providing an advertisement dynamically along with an electronic program guide having information of programs in response to movement of a highlighted element in the electronic program guide, wherein the highlighted element is movable within the electronic program guide in response to a user key entry made via a user control device of a video apparatus. The method comprises steps of: receiving a plurality of advertisements, each one of the received advertisements being associated with at least one program in the electronic program guide and including a respective descriptor for identifying a program; storing the received advertisements; monitoring the movement of the highlighted element in the electronic program guide; determining a next program in the electronic program guide to be reached by the highlighted element based on the monitoring step; and displaying one of the stored advertisements associated with the determined next program **before** the determined next program has been reached by the highlighted element. Newly added independent claim 27 defines the foregoing subject matter in a similar manner, but is drafted in “video apparatus” format as opposed to “method” format. Support for these newly added independent claims may be found, for example, at page 7, line 1 through page 8, line 10 of Applicants’ specification.

Macrae fails to teach or suggest all of the elements of newly added independent claims 21 and 27. For example, Macrae fails to teach or suggest, *inter alia*, the step of “displaying one of the stored advertisements associated with the determined next program **before** the determined next program has been reached by the highlighted element” (emphasis added). That is, while Macrae does disclose an embodiment in which an EPG displays different advertisements depending upon which show the viewer has currently highlighted in grid guide (see paragraph [0328]), there is no teaching or suggestion of, *inter alia*, “displaying one of the stored advertisements associated with the determined next program **before** the determined next program has been reached by the highlighted element” (emphasis added) as recited by newly added independent claims 21 and 27. Accordingly, newly added independent claims 21 and 27, and their respective dependent claims, are deemed novel and non-obvious over Macrae.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fee for the RCE to Deposit Account 07-0832.

Respectfully submitted,

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